


The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



  
John P. Gustafson  
United States Bankruptcy Judge

**Dated: December 7 2023**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

<b>In Re:</b>	:	<b>Chapter 13 Proceeding</b>
	:	
<b>Derill C. Ferguson and</b>	:	<b>Case No. 23-60077</b>
	:	
<b>Linda K. Ferguson,</b>	:	<b>Judge John Gustafson</b>
	:	
<b>Debtors.</b>	:	

**AGREED ORDER SETTLING TRUSTEE'S OBJECTION  
TO CONFIRMATION OF PLAN**

This matter is before the Court upon Trustee's Objection to Confirmation of the Chapter 13 Plan. Parties have agreed to the following:

1. Part 2.1 of the Plan is hereby amended to indicate that the plan payment shall increase to \$654.00 per month beginning December 2023.
2. Part 2.4 of the Plan is hereby amended to indicate that Debtors will pay a lump sum payment of \$13,500.00 on or before December 31, 2023. The source of the lump sum is recognized by the parties as a 401(k) withdrawal.
3. Part 5.1 of the Plan is hereby amended to indicate that if the estate of the debtors were

liquidated under Chapter 7, the Chapter 7 value of this estate would be approximately \$42,528.68; and after payment of priority debt, nonpriority unsecured claims would be paid approximately \$32,943.37. The Chapter 7 value is derived from non-exempt equity in a 2015 Coachman Catalina and a perceived fraudulent transfer of real estate located at 6571 Pontius Street NE, Hartville, Ohio 44632.

4. Payment to allowed nonpriority unsecured claims will be at least \$32,943.37.
5. In effectuating this agreement, it is the intention and understanding of the parties that any claim under 11 U.S.C. §548 shall be and is hereby equitably tolled while debtors are in Chapter 13.
6. Debtors' Motion to Dismiss Chapter 13 Proceeding [Doc. 54] is hereby withdrawn.
7. Trustee's Motion to Convert Case from Chapter 13 to Chapter 7 [Doc. 52] is hereby withdrawn.

**IT IS SO ORDERED.**

###

**Submitted By:**

/s/Dynele L Schinker-Kuharich  
Dynele L Schinker-Kuharich (0069389)  
Chapter 13 Trustee  
A. Michelle Jackson Limas (0074750)  
Staff Counsel to the Chapter 13 Trustee  
200 Market Avenue North, Ste. 30  
Canton, OH 44702  
Telephone: 330.455.2222  
Email: [DLSK@Chapter13Canton.com](mailto:DLSK@Chapter13Canton.com)

**Agreed:**

/s/David A. Mucklow  
David A. Mucklow (0072875)  
Counsel for Derill C. and Linda K. Ferguson  
919 East Turkeyfoot Lake Road, #B  
Akron, OH 44312  
Telephone: (330)896-8190  
Email: [davidamucklow@yahoo.com](mailto:davidamucklow@yahoo.com)

**NOTICES TO:**

Office of the United States Trustee, via the Court's Electronic Case Filing System at  
[RegisteredEmailAddress]@usdoj.gov

Office of the Chapter 13 Trustee, via the Court's Electronic Case Filing System at  
dlsk@Chapter13Canton.com

David A. Mucklow, Counsel for Derill C. and Linda K. Ferguson, via the Court's Electronic  
Case Filing System at davidamucklow@yahoo.com

Derill C. Ferguson, Debtor, via regular mail at:  
6750 Pontius Street NE  
Hartville, OH 44632

Linda K. Ferguson, Debtor, via regular mail at:  
6750 Pontius Street NE  
Hartville, OH 44632